

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

Board of Trustees of the
SEIU MICHIGAN HEALTH AND WELFARE FUND,

Plaintiff,

Case No. 2:19-cv-10116-VAR-RSW

v.

Hon. Victoria A. Roberts

DIVERSIFIED CUSTODIAL SERVICES, INC.,

Defendant.

**ORDER GRANTING PLAINTIFFS' MOTION FOR DEFAULT
JUDGMENT AGAINST DEFENDANT**

This matter came before the Court on Plaintiffs' Motion for Default Judgment Against Defendant. The Court found:

1. On June 27, 2019, Richard Ramirez, Process Server at Laser Legal Service served the Summons and Complaint on Defendant, by hand serving Tammy Dodger, Assistant to Diversified Custodial Services, Inc.'s Registered Agent Attorney Ronald Sollish. Mr. Ramirez filed Proof of Service filed with the Court on July 3, 2019 (ECF No. 5).

2. Defendant failed to plead or otherwise defend against the Complaint following service.

3. This Court's Clerk entered a Default against Defendant Diversified Custodial Services on July 23, 2019.

Accordingly:

A. Plaintiffs' Motion for Default Judgment Against Defendant is GRANTED, with the following changes made to calculations.

1) The attorney's fees as stated in the Declaration of Hope L. Calanti {ECF No. 12} do not match up with the attached billing statement [Exhibit A]

a) In ¶ 6 of the Declaration it says "7.9 hours of work"

i) Exhibit A only shows 2.3 hours at \$190/hr for a total discrepancy of .4 hours and \$76.

b) "5.2 of which at \$200/hr" for total of \$1,040

i) Exhibit A only shows 4.7 hours at \$100/hr for a total discrepancy of .5 hours and \$100.

2) Total discrepancy between Declaration and attached billing documentation is .9 hours and \$176.

The attorney fee and cost award requested of \$2,377, is reduced by \$176 to \$2,201.00

B. Plaintiffs are awarded judgment in the amount of \$15,228.17, which is the sum of the following amounts:

- 1) \$9,339.85 in unpaid contributions to which Plaintiff is entitled pursuant to ERISA 502(g)(2)(A);
- 2) \$1,819.35 in interest on the delinquent contributions, to which Plaintiff is entitled pursuant to ERISA 502(g)(2)(B);
- 3) \$1,867.97 to which Plaintiff is entitled pursuant to ERISA 502(g)(2)(C), which is the greater of interest on the audited contributions and liquidated damages provided for under the Plaintiff's plan documents;
- 4) \$2,201.00 in attorneys' fees and costs through June 30, 2019, to which Plaintiff is entitled pursuant to ERISA 502(g)(2)(D) and Plaintiff's plan documents.

C. Plaintiffs may enforce this judgment through applicable post-judgment remedies and proceedings supplementary to judgment, including the filing of a motion to collect any and all additional fees and costs.

D. This Court will retain jurisdiction for purposes of enforcement of the provisions of this Default Judgment and any amended judgment entered.

Plaintiff's Motion to Expedite Decision [ECF No. 13] is MOOT.

s/ Victoria A. Roberts
UNITED STATES DISTRICT JUDGE

Dated: 10/15/2019